

APPROVED 5-15-08
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

Zoning Board of Appeals meeting held on Thursday, April 17, 2008 at the Mildred A. Wakeley Recreation and Community Center, in Room #2, at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Theresa Ranciato-Viele, Secretary
Joseph Cappucci
Donald Clark
Cheryl Juniewicz, Alternate
Robert E. Martin, Alternate
Mary Jane Mulligan, Alternate, sitting for Caren M. Genovese

MEMBERS ABSENT:

Caren M. Genovese

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator

OTHERS PRESENT:

Mary Lee Rydzewski, Public Stenographer
Sandi Lion, Clerk

AGENDA:

Mr. Hannon called the meeting to order at 7:30 PM. He introduced the members of the Board, the Town staff, the stenographer and clerk. Mr. Hannon explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur. A simple majority of three (3) to two (2) will not approve an application for an appeal or variance. Mr. Fredricksen then stated that application #08-28, 125 Pool Road, is postponed to the May 15, 2008 meeting.

OTHER: Election of Vice Chairman

Mr. Cappucci moved to elect Mr. Clark to the position of Vice Chairman; Mr. Martin seconded the motion. All were in favor.

Mrs. Ranciato-Viele read the call for the first agenda item.

1. #08-27 Application of Timothy J. Lee, Esquire on behalf of Center Plan, Applicant, Vincent & Carol Cangiano, Owners, relative to 85 Middletown Avenue (Map 7, Lot 29), per Section 8.5.3.4 (3) requesting a 12' variance to allow a driveway width of 28' where 40' is required; and per Section 8.7.8.1 requesting a 10' variance to allow a street frontage landscaped strip of 5' where 15' is required; and per Section 8.7.9.1(1) requesting a variance of 2.4' to allow a landscaped island 5.6' in width where 8' is required.
CB-20/R- 20/R-40 Zoning Districts.

Attorney Timothy Lee presented the application for a Rite Aid Pharmacy. The proposal is to demolish the existing building and build a 14,500 square foot building. Two entrances are being proposed; one on Quinnipiac Avenue and one on Middletown Avenue. The entrance off of Middletown Avenue will be a right turn in and out only. A landscaped buffer will be provided for abutting residents.

The configuration of the lot makes it difficult to build elsewhere on the site. Mr. Fredricksen questioned Mr. Lee regarding the landscaped islands. The landscaped island that abuts the building is 5.5' instead of the required size of 8'. Mr. Luke Destefano of Bohler Engineering stated that one additional parking space would be eliminated if they were to enlarge the island. Mr. Fredricksen suggested eliminating the additional space and making the island larger so it complies with regulations.

Mrs. Ranciato-Viele asked about sidewalks. Mr. Lee stated that the sidewalks will be improved. Mr. Cappucci asked about emergency vehicles being able to access the site. Mr. Destefano didn't feel that this would be an issue because the delivery trucks accessing the site will be larger than the emergency vehicles.

Mr. Hannon read a letter into the record from John Coassin, owner of the property at 65 Quinnipiac Avenue, who is in favor of the application as long as it does not affect his property.

Mr. Hannon asked for public comment; being none, the matter was closed.

Mrs. Ranciato-Viele read the call for the third agenda item.

3. #08-29 Application of Jennifer & Chris Farina, Applicants and Owners, relative to 1595 Hartford Turnpike (Map 72, Lot 9), per Section 2.1.1.9, requesting a variance of 17' to allow a side yard setback of 8' where 25' is required, and per Section 2.1.1.9, requesting a variance of 2.3% to allow 17.3% lot coverage where 15% is allowed. R-40 Zoning District.

Mrs. Jennifer Farina, owner, presented the application to build an addition (40'x70') to be used as a gym for their family. The addition height would be below the existing house's roof line. Mr. Cappucci thinks the addition is excessive. The applicant stated that they have approval from Quinnipiac Valley Health District. The Commission wants to make sure the addition is used for personal use only, not commercial.

Mr. Hannon asked for public comment.

Public comment:

1. Ann and Christopher Parent, 1601 Hartford Turnpike, requested clarification of the variances being requested because they abut the property.

DELIBERATION SESSION:

- 1) #08-27 Application of Timothy J. Lee, Esquire on behalf of Center Plan, Applicant, Vincent & Carol Cangiano, Owners, relative to 85 Middletown Avenue.

Mr. Clark moved to approve the application; Mrs. Ranciato-Viele seconded the motion. The Board voted as follows:

Hannon – aye Ranciato–Viele – aye Cappucci – aye Clark -aye Mulligan – aye

In approving the application, the Board stated the following:

1. The existing contour, shape and configuration of the property is the hardship.

- 3) #08-29 Application of Jennifer & Chris Farina, Applicants and Owners, relative to 1595 Hartford Turnpike.

Mrs. Mulligan moved to approve the application; Mr. Clark seconded the motion. The Board voted as follows:

Mrs. Mulligan amended the motion to approve the addition only for personal use, not commercial; Mr. Clark seconded the motion. The Board voted as follows:

Hannon – aye Ranciato–Viele – aye Cappucci – nay Clark – aye Mulligan – aye

The Board stated the following:

1. The addition must have a lower roof line than the existing house.
2. The addition is to be for personal use only, not commercial.
3. The septic tank prevents the addition from being built elsewhere.

CEASE AND DESIST ORDERS:

204 Rimmon Road

Mr. Fredricksen explained to the Commission that there is legal action being taken regarding this property because of a business being operated from a residence.

CORRESPONDENCE: None

MINUTES:

February 21, 2008

Mrs. Ranciato-Viele moved to approve the minutes of February 21, 2008; Mr. Cappucci seconded the motion; the Board members voted as follows:

Hannon – aye Ranciato-Viele – aye Cappucci – aye Juniewicz – aye

ADJOURN:

There being no further business, Mr. Hannon moved to adjourn; Mrs. Ranciato-Viele seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:25 PM.